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HOFFMANN & BARON, LLP 6900 JERICHO TURNPIKE SYOSSET, NY 11791				MITCHELL, JASON D
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)
	10/580,441	NESWAL, PETER
	Examiner	Art Unit
	Jason D. Mitchell	2193

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 22 May 2006.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-25 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-25 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 22 May 2006 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>5/22/06</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

This action is in response to an application filed on 5/22/06.

Claims 1-25 are pending in this application.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 7-12, 14-15, 18-23 and 25 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim 7 fails to fall within a statutory category of invention. It is directed to a program itself (i.e. “A rule package”), not a process occurring as a result of executing the program, a machine programmed to operate in accordance with the program or a manufacture structurally and functionally interconnected with the program in a manner which enables the program to act as a computer component and realize its functionality. It’s also clearly not directed to a composition of matter. Therefor it is rejected as being non-statutory under 35 USC 101.

Claims 8-12 depend from claim 7 and are rejected accordingly.

Claim 14 fails to fall within a statutory category of invention. It is directed to a program itself (i.e. “A framework”), not a process occurring as a result of executing the program, a machine programmed to operate in accordance with the program or a manufacture structurally and functionally interconnected with the program in a manner which enables the program to act as a computer component and realize its functionality.

It's also clearly not directed to a composition of matter. Therefor it is rejected as being non-statutory under 35 USC 101.

Claim 15 depends from claim 14 and is rejected accordingly.

Claim 18 fails to fall within a statutory category of invention. It is directed to a program itself (i.e. "A client program"), not a process occurring as a result of executing the program, a machine programmed to operate in accordance with the program or a manufacture structurally and functionally interconnected with the program in a manner which enables the program to act as a computer component and realize its functionality. It's also clearly not directed to a composition of matter. Therefor it is rejected as being non-statutory under 35 USC 101.

Claims 19-23 depend from claim 18 and are rejected accordingly.

Claim 25 fails to fall within a statutory category of invention. It is directed to a program itself (i.e. "A computer program"), not a process occurring as a result of executing the program, a machine programmed to operate in accordance with the program or a manufacture structurally and functionally interconnected with the program in a manner which enables the program to act as a computer component and realize its functionality. It's also clearly not directed to a composition of matter. Therefor it is rejected as being non-statutory under 35 USC 101.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 3 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim 3 recites “in step c) ... it is established by means of a detector that the presence or absence ... of another software component is necessary”. It is the examiner’s understanding that the requirement for another software component is established by the rule itself, whereas the detector establishes whether or not the client system meets the requirement. Accordingly it is the examiner’s understanding that the claim would more properly reflect the disclosure if it read “in step c) ... it is established by means of a detector that the installation or deinstallation ... of another software component is necessary”. This is the understanding that will be used in this examination.

Claim 20 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claim 20 recites “compare[ing] the rule packages entered in the lists with the rule packages contained in the framework and, for those rule packages which do not appear in the framework, run[ing] their deconfiguration routines ... and their deinstallation

routines". The specification and parent claim 18 (incorporating claim 14 which in turn incorporates claim 7) indicate the deconfiguration and deinstallation routines are included in the framework (e.g. claim 14 "the framework comprises a set of rule packages"; claim 7 "the rule package comprises ... a routine for deinstalling [the] software component"). Accordingly, those of ordinary skill in the art would not understand how a rule package, and associated deconfiguration/deinstallation routines, which does not appear in the framework would be accessed to provide and execute the associated deconfiguration/deinstallation routines.

Claims 1-6, 14, 16-18 and 23-24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites in part "c) running the list of rule packages with installation routines ... and again running the list of rule packages with configuration routines". By indicating that the "list of rule packages with configuration routines" is run "again", the limitation implies that the list had been run previously. There is no indication of this in the claim resulting in a lack of clarity (i.e. how many times the "list ... with configuration routines" is run). For the purposes of this examination the claim will be treated as reciting " c) running the list of rule packages with installation routines... and running the list of rule packages with configuration routines".

Claims 2-6 depend from claim 1 and are rejected accordingly.

Claim 6 recites “a remote event on the network resource, preferably the transmission of a group or broadcast message”. The word “preferably” renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Claim 14 recites “A framework which may be provided on a network”. Accordingly, it is not clear if the “framework” is or is not “provided on a network”. For the purposes of this examination the claim will be read as “A framework provided on a network”.

Claims 16-17 incorporate the framework of claim 14 and are rejected accordingly.

Claim 18 recites “A client program which is executable on a client computer for the automatic installation and configuration of software components, which are available on a network resource, on the client computer, wherein it receives and stores a framework ...”. The syntax of this sentence is confusing. The examiner suggests this limitation would be more clear if it read “A client program executable on a client computer to install and configure, on the client, computer software components available on a network resource, wherein the client program receives and stores a framework ...”. Note that this suggestion does not address the rejection of claim 18 under 35 USC 101.

Claim 21 recites “a local event on the client computer, preferably a system startup or shutdown, system lock or share, user logon or logoff, network logon or logoff, program startup or shutdown, connection or disconnection of hardware or response of a

timer". The word "preferably" renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Claim 23 recites "a transaction system for each system-modifying component, in particular for the rule packages" The term "in particular" renders the claim indefinite because it is unclear whether the limitation(s) following and or preceding the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Claim 24 incorporates the client program of claim 18 and is rejected accordingly.

Claim Objections

Claim 3 is objected to because of the following informalities: The claim recites "in step a) ... at least this or one of other rule packages". It is assumed this should read "in step a) ... at least this or one of the other rule packages".

The claim further recites "in step c), if in the course of a rule package". It is assumed this should read "in step c), if in the course of running a rule package".

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the

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applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 6-7, 11, 13-14, 16-18, 22 and 24-25 rejected under 35 U.S.C. 102(e) as being anticipated by US 2004/0015961 to Chefalas et al. (Chefalas).

Claim 1 and 25: Chefalas discloses a method for the automatic installation and configuration of software components in a computer network which comprises a plurality of client computers and at least one network resource of installable software components (Abstract “automatically installing software on one or more network-connected computer systems”), comprising the steps of:

a) provision of a framework on the network resource which comprises a rule package for each of the installable software components of the network resource and a list of rule packages to be run, but not the software components themselves (par. [0028] “Server 210 ... sends instructions 212, 214 and 216 to target computers 230, 232, and 234 ... instructions 212, 214 and 216 include information such as ... prerequisites ... configuration options”; par. [0031] “After determinations have been made as to ... prerequisites and configuration, agents 220, 222, and 224 download (236, 237, and 238) and install the desired software”),

wherein at least one of the rule packages comprises a routine for loading its software component from the network resource and installing it on a client computer and at least this or one of the other rule packages comprises a routine for configuring its software component installed on a client computer (par. [0031] “agents 220, 222, and

224 download (236, 237, and 238) and install the desired software ... then configure the installed software"),

b) transferring the entire framework to a client computer (par. [0028] "Server 210 ... sends instructions 212, 214 and 216 to target computers 230, 232, and 234); and

c) running the list of rule packages with installation routines to be run on the client computer, calling their installation routines, and again running the list of rule packages with configuration routines to be run on the client computer, calling their configuration routines (par. [0031] "agents 220, 222, and 224 download (236, 237, and 238) and install the desired software ... then configure the installed software"),

wherein at least step c) is triggered by a local event on the particular client computer (par. [0031] "After determinations have been made as to ... prerequisites and configuration, agents 220, 222, and 224 download (236, 237, and 238) and install the desired software"; par. [0030] "after the information is collected, agents 220, 222, and 224 make a determination as to what version of the software should be installed"; the term 'event' is only broadly claimed, accordingly it is reasonable to interpret it as a specific activity on the client machine; further, in the interest of furthering prosecution, it is noted that those of ordinary skill in the art would understand that communication of the completion of the disclosed collection/determination would obviously be communicated between various objects of an agent using a well known object oriented type event/alert/message (see e.g. the rejection of claim 2)).

Claim 6: The rejection of claim 1 is incorporated; further Chefalas discloses step b) and/or step c) is also triggered by a remote event on the network resource, preferably the transmission of a group or broadcast message (par. [0028] "Server 210, at a scheduled time, sends instructions ... to target computers").

Claims 7 and 13: Chefalas discloses a rule package which is executable on an operating system of a client computer for the automatic installation and configuration of software components, which are available on a network resource, on the client computer, wherein the rule package comprises a reference to a software component on the network resource and comprises at least one of the following four routines: a routine for installing this software component on the client computer (par. [0031] "agents 220, 222, and 224 download (236, 237, and 238) and install the desired software ... then configure the installed software"), a routine for deinstalling this software component from the client computer, a routine for configuring said software component installed on the client computer (par. [0028] "Server 210 ... sends instructions 212, 214 and 216 to target computers 230, 232, and 234 ... instructions 212, 214 and 216 include information such as ... configuration options"), and a routine for undoing the configuration of this software component installed on the client computer, wherein each routine, if it establishes a presence or absence requirement of another software component, branches to the installation or deinstallation routine of another rule package assigned to this other software component (par. [0044] "the proper version of the software and the necessary prerequisite software components are downloaded").

Claim 11: The rejection of claim 7; is incorporated; further Chefalas discloses at least one trigger reference to a remote event on the network resource, wherein the trigger reference assigns at least one of the routines of the rule package to this event (par. [0028] “Server 210, at a scheduled time, sends instructions … to target computers”; par. [0029] “After receiving instructions 212, 214 , and 216, agents 220, 222, and 224 enter into contact with an installation server 240 … prior to installing the desired software.”).

Claim 14 and 16-17: Chefalas discloses a framework which may be provided on a network resource in a computer network for a plurality of client computers for the automatic installation and configuration on the client computers of software components available on the network resource (Abstract “automatically installing software on one or more network-connected computer systems”), wherein successful installation of a software component may have as a prerequisite the presence or absence of another software component, wherein the framework comprises a set of rule packages according to claim 7 (see the rejection of claim 7), a set of detectors for each possible prerequisite, and a list of rule packages to be run on the client computers ([0028] “Server 210 … sends instructions 212, 214 and 216 to target computers 230, 232, and 234 … instructions 212, 214 and 216 include information such as … prerequisites … configuration options”).

Claim 18 and 24: Chefalas discloses a client program which is executable on a client computer for the automatic installation and configuration of software components, which are available on a network resource, on the client computer, (Abstract “automatically installing software on one or more network-connected computer systems”) wherein it receives and stores a framework according to claim 14, (see the rejection of claim 14) in a first pass runs the list of rule packages to be run, calling their installation routines, and in a second pass runs the list of rule packages to be run, calling their configuration routines (par. [0031] "agents 220, 222, and 224 download (236, 237, and 238) and install the desired software ... then configure the installed software").

Claim 22: The rejection of claim 18 is incorporated; further Chefalas discloses a rule package which is executable on an operating system of a client computer for the automatic installation and configuration of software components, which are available on a network resource, on the client computer, (Abstract “automatically installing software on one or more network-connected computer systems”) the rule package comprising a reference to a software component on the network resource and comprising at least one of the following four routines: a routine for installing this software component on the client computer, a routine for deinstalling this software component from the client computer, a routine for configuring said software component installed on the client computer, and a routine for undoing the configuration of this software component installed on the client computer (par. [0028] “instructions 212, 214 and 216 include information such as ... prerequisites ... configuration options”), wherein each routine, if it

establishes a presence or absence requirement of another software component, branches to the installation or deinstallation routine of another rule package assigned to this other software component, (par. [0044] "the proper version of the software and the necessary prerequisite software components are downloaded") the rule package further containing at least one trigger reference to a remote event on the network resource, wherein the trigger reference assigns at least one of the routines of the rule package to this event, wherein the program further monitors the occurrence of a remote event on the network resource, preferably the transmission of a group or broadcast message, and calls the corresponding rule package routine which is assigned via the trigger reference to this event (par. [0028] "Server 210, at a scheduled time, sends instructions ... to target computers" ; par. [0029] "After receiving instructions 212, 214 , and 216, agents 220, 222, and 224 enter into contact with an installation server 240 ... prior to installing the desired software.").

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 10 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 2004/0015961 to Chefalas et al. (Chefalas) in view of US 2002/0067504 to Salgado et al. (Salgado).

Claim 2: The rejection of claim 1 is incorporated; further Chefalas does not explicitly disclose step c) is triggered by a system startup or shutdown, system lock or share, user logon or logoff, network logon or logoff, program startup or shutdown, connection or disconnection of hardware or by a timer.

Salgado teaches triggering an update by a timer (par. [0022] “a program subroutine that will automatically attempt to update the resident printer driver on a workstation or printer server at certain predetermined times or upon the occurrence of certain predetermined events”).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to trigger execution of Chefalas’ rule package (par. [0028] “Server 210 ... sends instructions 212, 214 and 216 to target computers 230, 232, and 234”) by a timer (Salgado par. [0022] “a program subroutine that will automatically attempt to update the resident printer driver on a workstation or printer server at certain predetermined times or upon the occurrence of certain predetermined events”). Those of ordinary skill in the art would have been motivated to do so to allow a developer to choose and specify a desirable time to perform the download and update (Salgado par. [0022] “update the resident printer driver ... at certain predetermined times”; Chefalas par. [0024] “A convenient time might be one very early in the morning, when most of target computers 130, 132, and 134 will likely not be in use”).

Note that other triggering events would be similarly obvious (see e.g. Salgado par. [0022] "or upon the occurrence of certain predetermined events")

Claim 10: The rejection of claim 7 is incorporated; further Chefalas does not explicitly disclose the rule package contains at least one trigger reference to a local event on the client computer, wherein the trigger reference assigns at least one of the routines of the rule package to this event.

Salgado teaches assigning an installation program containing at least one trigger reference to a local event on a client computer, wherein the trigger reference assigns an installation routine to this event (par. [0022] "a program subroutine that will automatically attempt to update the resident printer driver on a workstation or printer server at certain predetermined times or upon the occurrence of certain predetermined events").

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a reference to a local event (Salgado par. [0022] "a program subroutine that will ... update the resident printer driver ... at certain predetermined times or upon the occurrence of certain predetermined events") in Chefalas' rule package (par. [0028] "Server 210 ... sends instructions 212, 214 and 216 to target computers 230, 232, and 234") to trigger the execution of a routine (par. [0031] "agents 220, 222, and 224 download (236, 237, and 238) and install the desired software).

Those of ordinary skill in the art would have been motivated to do so to allow a developer to choose and specify a desirable time to perform the download and update (Salgado par. [0022] “update the resident printer driver … at certain predetermined times”; Chefalas par. [0024] “A convenient time might be one very early in the morning, when most of target computers 130, 132, and 134 will likely not be in use”).

Claim 21: The rejection of claim 18 is incorporated; further Chefalas discloses a rule package which is executable on an operating system of a client computer for the automatic installation and configuration of software components, which are available on a network resource, on the client computer (Abstract “automatically installing software on one or more network-connected computer systems”), the rule package comprising a reference to a software component on the network resource and comprising at least one of the following four routines: a routine for installing this software component on the client computer, a routine for deinstalling this software component from the client computer, a routine for configuring said software component installed on the client computer, and a routine for undoing the configuration of this software component installed on the client computer (par. [0028] “instructions 212, 214 and 216 include information such as … prerequisites … configuration options”), wherein each routine, if it establishes a presence or absence requirement of another software component, branches to the installation or deinstallation routine of another rule package assigned to this other software component (par. [0044] “the proper version of the software and the necessary prerequisite software components are downloaded”).

Chefalas does not explicitly disclose the rule package contains at least one trigger reference to a local event on the client computer, wherein the trigger reference assigns at least one of the routines of the rule package to this event wherein the program monitors the occurrence of a local event on the client computer and calls the corresponding rule package routine.

Salgado teaches assigning an installation program containing at least one trigger reference to a local event on a client computer, wherein the trigger reference assigns an installation routine to this event and in response to the event on the client computer calls the corresponding installation program (par. [0022] "a program subroutine that will automatically attempt to update the resident printer driver on a workstation or printer server at certain predetermined times or upon the occurrence of certain predetermined events").

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a reference to a local event (Salgado par. [0022] "a program subroutine that will ... update the resident printer driver ... at certain predetermined times or upon the occurrence of certain predetermined events") in Chefalas' rule package (par. [0028] "Server 210 ... sends instructions 212, 214 and 216 to target computers 230, 232, and 234") to trigger the execution of a routine (par. [0031] "agents 220, 222, and 224 download (236, 237, and 238) and install the desired software).

Those of ordinary skill in the art would have been motivated to do so to allow a developer to choose and specify a desirable time to perform the download and update (Salgado par. [0022] “update the resident printer driver … at certain predetermined times”; Chefalas par. [0024] “A convenient time might be one very early in the morning, when most of target computers 130, 132, and 134 will likely not be in use”).

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over US 2004/0015961 to Chefalas et al. (Chefalas) in view of US 6,684,242 to Bahlmann (Bahlmann).

Claim 3: The rejection of claim 1 is incorporated; further Chefalas discloses successful installation of a software component on a client computer may have as a prerequisite the presence or absence, configuration or deconfiguration of another software component (par. [0028] “instructions 212, 214 and 216 include information such as ... prerequisites ... configuration options”), wherein,

in step a), the framework comprises a detector for each possible prerequisite (par. [0030] “agents 220, 222, and 224 make a determination as to ... what prerequisites are needed”), and,

in step c), if in the course of a rule package it is established by means of a detector that the presence or absence, configuration or deconfiguration of another software component is necessary, the installation or deinstallation routine, configuration or deconfiguration routine of the rule package assigned to this other software

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component is called (par. [0044] "the proper version of the software and the necessary prerequisite software components are downloaded").

Chefalas does not explicitly disclose the framework composes at least one rule package comprises a routine for deinstalling its software component and a routine for undoing the configuration of its software component.

Bahlmann teaches a script comprising a routine for deinstalling and for undoing the configuration of a software component (col. 12, lines 1-8 "the uninstall script 418 restores the configuration settings ... all of the preparation software and information components 400 ... are deleted to complete the uninstall process").

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a rule or rules comprising Bahlmann's deinstallation and configuration scripts (col. 12, lines 1-8 "the uninstall script 418") in Chefalas' framework (par. [0028] "Server 210 ... sends instructions 212, 214 and 216 to target computers 230, 232, and 234). Those of ordinary skill in the art would have been motivated to do so because "[t]here is a possibility that the user 102 will wish to uninstall ... programs 410 and return the computer 222 to the initial configuration setting." (Bahlmann col. 11, lines 57-59).

Claims 4, 8 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 2004/0015961 to Chefalas et al. (Chefalas) in view of US 2004/0015961 to US 2004/0015961 to Bramnick et al (Bramnick).

Claim 4: The rejection of claim 1 is incorporated; further Chefalas does not explicitly disclose detectors for a client computer's hardware or operating system and, in the course of a routine, it is verified by means of such a detector whether the client computer is suitable for the particular installation, deinstallation, configuration or deconfiguration of the software component.

Bramnick teaches verifying by means of a detector for detecting hardware whether a computer is suitable for a particular installation (col. 3, lines 22-26 Automatic application installation procedures ... check for the existence of prerequisite hardware").

It would have been obvious to one of ordinary skill in the art at the time the invention was made to verify, by means of a detector for detecting hardware, whether a computer is suitable for a particular installation (Bramnick col. 3, lines 22-26 Automatic application installation procedures ... check for the existence of prerequisite hardware") during the course of a routine (Chefalas par. [0029] "agents 220, 222, and 224 collect information concerning which prerequisite software packages must be installed"). Those of ordinary skill in the art would have been motivated to do so in order to ensure that the installed

software was able to function correctly (Chefalas par. [0029] "agents 220, 222, and 224 collect information concerning ... prerequisite").

Claim 8: The rejection of claim 7 is incorporated; further Chefalas does not explicitly disclose a reference to a client computer's specific hardware and/or operating system and, by means of this reference, verifying whether the client computer is suitable for the particular installation, deinstallation, configuration or deconfiguration of the software component.

Bramnick teaches a reference to a computer's specific hardware and verifying by means of a detector for detecting hardware whether a computer is suitable for a particular installation (col. 3, lines 22-26 Automatic application installation procedures ... check for the existence of prerequisite hardware").

It would have been obvious to one of ordinary skill in the art at the time the invention was made include a reference to a client computer's hardware (Chefalas par. [0029] "information concerning ... prerequisite") and to verify, by means of a detector for detecting hardware, whether a computer is suitable for a particular installation (Bramnick col. 3, lines 22-26 Automatic application installation procedures ... check for the existence of prerequisite hardware") during the course of a routine (Chefalas par. [0029] "agents 220, 222, and 224 collect information concerning which prerequisite software packages must be installed"). Those of ordinary skill in the art would have

been motivated to do so in order to ensure that the installed software was able to function correctly (Chefalas par. [0029] "agents 220, 222, and 224 collect information concerning ... prerequisite").

Claim 15: The rejection of claim 14 is incorporated; further Chefalas does not explicitly disclose a rule package that comprises a reference to a client computer's specific hardware and/or operating system and, by means of this reference, verifies whether the client computer is suitable for the particular installation, deinstallation, configuration or deconfiguration of the software component, wherein the framework also comprises detectors for a client computer's hardware or operating system and provides the rule packages for the stated verification.

Bramnick teaches a reference to a computer's specific hardware and verifying by means of a detector for detecting hardware whether a computer is suitable for a particular installation (col. 3, lines 22-26 Automatic application installation procedures ... check for the existence of prerequisite hardware").

It would have been obvious to one of ordinary skill in the art at the time the invention was made include a reference to a client computer's hardware (Chefalas par. [0029] "information concerning ... prerequisite") and to verify, by means of a detector for detecting hardware, whether a computer is suitable for a particular installation (Bramnick col. 3, lines 22-26 "Automatic application installation procedures ... check for

the existence of prerequisite hardware") during the course of a routine (Chefalas par. [0029] "agents 220, 222, and 224 collect information concerning which prerequisite software packages must be installed"). Those of ordinary skill in the art would have been motivated to do so in order to ensure that the installed software was able to function correctly (Chefalas par. [0029] "agents 220, 222, and 224 collect information concerning ... prerequisite").

Claims 5, 9 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 2004/0015961 to Chefalas et al. (Chefalas) in view of US 2003/0233649 to Reimert (Reimert).

Claim 5: The rejection of claim 1 is incorporated; further Chefalas does not disclose in the course of a routine, it is checked in advance whether the particular installation, deinstallation, configuration or deconfiguration of the software component has already taken place on the client computer and, if so, the routine is immediately terminated.

Reimert teaches checking in advance whether the particular installation of the software component has already taken place on the client computer and, if so, the routine is immediately terminated (par. [0013] "A comparison is made in step 74 between the previously run installation packages and the list of available installation packages found. Those installation packages listed in both places, duplicated, are removed from the run installation packages list").

It would have been obvious to one of ordinary skill in the art at the time the invention was made to check in advance if a particular installation routine (Chefalas par. [0028] "Server 210 ... sends instructions 212, 214 and 216) has all ready taken place on the client computer (Reimert par. [0013] "Those installation ... duplicated, are removed from the run installation packages list"). Those of ordinary skill in the art would have been motivated to do so to avoid duplicate processing (Reimert par. [0013] "Those installation ... duplicated).

Claim 9: The rejection of claim 7 is incorporated; further Chefalas does not disclose verifying whether the particular installation, deinstallation, configuration or deconfiguration of the software component on the client computer has already occurred and, if so, terminating its execution.

Reimert teaches verifying in advance whether the particular installation of the software component has already taken place on the client computer and, if so, the routine is immediately terminated (par. [0013] "A comparison is made in step 74 between the previously run installation packages and the list of available installation packages found. Those installation packages listed in both places, duplicated, are removed from the run installation packages list").

It would have been obvious to one of ordinary skill in the art at the time the invention was made to check in advance if a particular installation routine (Chefalas par. [0028] "Server 210 ... sends instructions 212, 214 and 216) has all ready taken place on the client computer (Reimert par. [0013] "Those installation ... duplicated, are removed from the run installation packages list"). Those of ordinary skill in the art would have been motivated to do so to avoid duplicate processing (Reimert par. [0013] "Those installation ... duplicated").

Claim 19: The rejection of claim 18 is incorporated; further Chefalas discloses a rule packages with installation routines and configuration routines.

Chefalas does not disclose a local database which contains a list of rule packages with installation routines which have run successfully and a list of rule packages with configuration routines which have run successfully.

Reimert teaches a local database which contains a list of installation routines which have run successfully (par. [0012] "client computer check in step 56 whether a list of previously run installation packages exists"; the 'checking' action implies database functionality).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to check in advance if a particular installation routine (Chefalas par. [0028]

"Server 210 ... sends instructions 212, 214 and 216) has all ready taken place on the client computer (Reimert par. [0013] "Those installation ... duplicated, are removed from the run installation packages list"). Those of ordinary skill in the art would have been motivated to do so to avoid duplicate processing (Reimert par. [0013] "Those installation ... duplicated)."

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over US 2004/0015961 to Chefalas et al. (Chefalas) in view of US 6,389,589 to Mishra et al. (Mishra).

Claim 12: The rejection of claim 7 is incorporated; further Chefalas does not disclose the rule package may be put in an inactive state in which only its deinstallation and deconfiguration routines can be called.

Mishra teaches placing a rule package in an inactive state in which only its deinstallation and deconfiguraiton routines can be called (col. 10, TABLE 6 "ACTFLG_Orphan This application is orphaned. It is no longer deployed, and all existing installs may be left as is"). Those of ordinary skill in the art would have been motivated to do so as a means of indicating and enforcing a determined policy on the client machine (see e.g. col. 10, lines 63-66 "Policy Removal Action Flags, which denote whether the application is set to be Orphaned or Uninstalled when a policy to which the application belongs is removed").

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over US 2004/0015961 to Chefalas et al. (Chefalas) in view of US 2003/0233649 to Reimert (Reimert) in view of US 6,684,242 to Bahlmann (Bahlmann).

Claim 20: The rejection of claim 19 is incorporated; further Reimert teaches comparing the rule packages entered in the lists with the rule packages contained in the framework (par. [0013] "A comparison is made in step 74 between the previously run installation packages and the list of available installation packages found. Those installation packages listed in both places, duplicated, are removed from the run installation packages list").

Chefalas discloses running an installation routine in a first pass and running a configuration routine in a second pass (par. [0031] "agents 220, 222, and 224 install the desired software ... then configure the installed software"), However, Chefalas and Reimert do not teach running deconfiguration routines in a first pass and deinstallation routines in a second pass.

Bahlmann teaches a script comprising a routine for deinstalling and for undoing the configuration of a software component (col. 12, lines 1-8 "the uninstall script 418 restores the configuration settings ... all of the preparation software and information components 400 ... are deleted to complete the uninstall process").

It would have been obvious to one of ordinary skill in the art at the time the invention was made to reverse Chefalas' installation and configuration passes (par. [0031] "agents 220, 222, and 224 install the desired software ... then configure the installed software") to undo the installation/configuration using Bahlmann's deinstallation and configuration scripts (col. 12, lines 1-8 "the uninstall script 418"). Those of ordinary skill in the art would have been motivated to do so because "[t]here is a possibility that the user 102 will wish to uninstall ... programs 410 and return the computer 222 to the initial configuration setting." (Bahlmann col. 11, lines 57-59).

Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over US 2004/0015961 to Chefalas et al. (Chefalas) in view of Applicant Acknowledged Prior Art Techniques.

Claim 23: The rejection of claim 18 is incorporated; further Chefalas does not disclose a transaction system for each system-modifying component, in particular for the rule packages.

The applicant acknowledges that such transaction systems were known in the art and that there use and benefit would have been clear to those of ordinary skill in the art (pg. 8, lines 27-33 "As a result [of including a transaction system], the system can be rolled

back at any time, if for example an installation or configuration fails, as is known in the art").

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a prior art transaction system (AAPA pg. 8, lines 27-33) in Chefalas installation software (e.g. par. [0031] "agents 220, 222, and 224"). Those of ordinary skill in the art would have been motivated to do so simply to achieve the known benefits of such a system (i.e. roll-backs) when an installation causes Chefalas' client computer to begin functioning improperly. In other words, the claimed transaction system does not significantly change the functionality of the installation system nor does the functionality of the transaction system need to be significantly modified in order to interact with the installation system. Accordingly, the inclusion of such a transaction system in this claim merely represents the combination of two prior art system where each provides only the functionality known to be associated with the systems.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason D. Mitchell whose telephone number is (571)272-3728. The examiner can normally be reached on Monday-Thursday and alternate Fridays 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bullock Lewis can be reached on (571) 272-3759. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/Jason D. Mitchell/
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